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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,463	07/22/2003	Mark Pike	14031.1US01	9154
23552 7590 05/28/2008 MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903				
EXAMINER				
CROUSE, BRETT ALAN				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
05/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/625,463

Applicant(s)

PIKE, MARK

Examiner

Brett A. Crouse

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-33, 35-46 and 48-62 is/are pending in the application.
- 4a) Of the above claim(s) 45, 46, 48-53 and 60-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-33, 35-44 and 54-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 March 2008 has been entered.

Claim Rejections - 35 USC § 103

2. Claim 1-11, 13-33, 35-44 and 54-59 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zegler et al., US 6,228,479 hereinafter known as Zegler as evidenced by Kotlair et al., US 5,626,939, hereinafter known as Kotlair, ("Polypropylene Specifications", http://www.boedeker.com/polyp_p.htm, Boedeker Plastics) hereinafter known as Boedeker, ("Polyamide – Nylon 6 – Material Information", [http://www.goodfellow.com/csp/active/STATIC/E/Polyamide - Nylon_6.HTM](http://www.goodfellow.com/csp/active/STATIC/E/Polyamide_-_Nylon_6.HTM), Goodfellow) hereinafter known as Goodfellow, and ("Nylon 66 Properties", http://www.maropolymeronline.com/Properties/nylon_66_properties.asp, Roger Corneliussen) hereinafter known as Corneliussen., for reasons of record in the office action, mailed 10 September 2007.

Response to Arguments

3. Applicant's arguments filed 10 March 2008 have been fully considered but they are not persuasive.

Applicant argues opposite the rejection over Zegler that Zegler fails to teach or suggest a fiber length between about 0.9 cm and 8 cm. Applicant cites Zegler column 3 and Zegler column 5, as teaching filaments less than 3/8 of an inch. Applicant additionally argues that Zegler does not teach or suggest a composite material having an elastic modulus as claimed in the instant invention.

The examiner respectfully disagrees for the following reasons. Zegler in column 3, line 56, as noted in the previous office action, teaches fibers typically about 3/8 of an inch or smaller. About 3/8 of an inch converts to about 0.95 cm, which is within the range of fiber lengths as claimed in the instant invention. The resulting material of Zegler possesses the composition as contemplated by applicant and as such would reasonably be expected to possess the material properties as contemplated by applicant.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Neisler, US 5,192,601 teaches fusion bonded multi-layer fabric comprising fibrous components having different softening and melting points. The combination of components includes polyolefins and nylon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brett A. Crouse whose telephone number is (571)-272-6494. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton I. Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Milton I. Cano/
Supervisory Patent Examiner, Art Unit 1794

/B. A. C./
Examiner, Art Unit 1794